

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

Claims 1-20 remain in this application. Claims 1-8, 17 and 18 have been withdrawn from consideration.

Claim 11 is amended to depend from claim 9 to address the claim objection noted in the Official Action.

Claims 11 and 19 are amended to remove the phrase "such as" and to clarify "i.e.". Accordingly reconsideration and withdrawal of the 35 USC 112, second paragraph rejection are respectfully requested.

Claim 9, 10 and 14 were rejected under 35 USC 103(a) as being unpatentable over GUYURON et al. 6,471,985. That rejection is respectfully traversed.

GUYURON discloses a method of treating a wound whereas the present invention discloses a method for protecting non-wounded skin.

It is clear from the present specification that the layer should be applied to non-wounded skin, see for example page 16, lines 30-34 where it is stated that the preparation more readily stays put at the intended location and that the risk for the preparation to spread down into the wound decreases. From this passage, it is quite clear that the preparation should not be applied to a wound. Also, page 16, lines 15-16 discloses that the preparation is spread around the area around a wound confirms

that the preparation should not be applied to a wound, see also page 18, lines 11-13. Thus, from the description it is clear that the preparation according to the present invention should not be applied to a wound but only to non-wounded skin.

In contrast thereto, it is clear from GUYURON that the known composition should only be applied to a wound. For example, all the claims are directed to applying the known composition to a wound. Furthermore, column 11, lines 6-9 of GUYURON discloses that the composition may be custom fit to any contoured or shaped surface and that this is an advantage over and in contrast to prefabricated bandaids or dressings, or dressings that must be cut and fit to the wound. Thus, it is clear that the composition of GUYURON is intended to be fitted into a wound without covering the skin outside the wound.

The position set forth in the paragraph bridging pages 7 and 8 of the official action that it would be *prima facie* obvious to apply the known composition outside the edge of a wound is thus unfounded.

There is no indication in GUYURON that the known composition adheres to the skin. The passage cited by in the Official Action, column 1, lines 59-60, only states that such composition adequately adheres to a wound.

Therefore, one of ordinary skill in the art would not recognize that the preparation of GUYURON would adhere to a variety of surfaces. Rather, the above-noted passage of GUYURON

would lead one of ordinary skill in the art to conclude that: in a highly viscous state before curing the preparation adheres to rubber gloves. However, it is quite clear from the cited passage that the adhesion of rubber gloves or other means of application of the composition in its highly viscous state is undesirable since it is to be avoided by release agents.

It is therefore, apparent that GUYURON teaches away from having articles of any kind adhering to the composition. By contrast, column 10, lines 34-37 of GUYURON disclose that the preferred preparation is tack-free after 30 minutes. Thus, there is no teaching or suggestion in GUYURON that the preparation is suitable as an adhesive.

Furthermore, since the sole use of the composition of GUYURON is to create a membrane over the wound, which is the only way according to GUYURON to promote healing of the wound, one of ordinary skill in the art would not consider attaching anything to this membrane.

In contrast thereto, the present invention provides a layer around the edge of a wound which is suitable for affixing a wound pad or the like which should be applied to the wound. The layer itself is adhered to the non-wounded portion of the skin.

In view of the above, it is apparent that not only does GUYURON fail to disclose an elastomer that adheres to non-wounded skin, but also, the composition of GUYURON is intended to be fitted into a wound without covering the skin outside the wound.

Accordingly, it would not have been obvious to one of ordinary skill in the art to apply the preparation of GUYURON around the outside edge of the wound as suggested in the Official Action.

Claims 9, 11-13, 15, 16, 19 and 20 were rejected under 35 USC 103(a) as being unpatentable over GUYURON in view of ABBER et al. 4,925,671. That rejection is respect fully traversed.

As set forth above, it would not have been obvious to one of ordinary skill in the art to apply the preparation of GUYURON around the outside edge of the wound.

ABBER does not overcome the shortcomings of GUYURON. Rather, in the adhesive of ABBER the viscosity values given are related to the viscosity of separate components in the adhesive before mixing of the components and before drying and curing. ABBER is silent as to the viscosity of the produced adhesive.

Furthermore, there is no indication, in ABBER that his adhesive acts as a protective barrier. Compare ABBER with page 11, lines 31-37 of the present invention, for example.

On the contrary, one of the advantages stated for the adhesive of ABBER is that it is liquid-permeable. Such an advantage in ABBER is a disadvantage when considering protection against wound exudate as in the present invention (or GUYURON).

In view of this teaching away, the adhesive of ABBER is not a substantially identical composition to that of GUYURON as suggested in the Official Action. Thus, the combined

teachings of the references would not have resulted in the claimed invention and rather, one of ordinary skill in the art would not have combined these teachings in the first instance.

Accordingly, the claims would not have been obvious in view of the proposed combination of references.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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